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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,831

03/02/2007

Jochen Peters

N0484.70066US00

7426

23628 7590 02/15/2011  
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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

02/15/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,831	<b>Applicant(s)</b> PETERS ET AL.	
	<b>Examiner</b> MICHAEL N. OPSASNICK	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-27,29,31-35 and 37-46 is/are rejected.
- 7) ☒ Claim(s) 28,30 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 37-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 37-42 are non-statutory under the most recent interpretation of the Interim Guidelines regarding 35 U.S.C.101 because:

i)the computer readable medium claimed is not positively disclosed in the specification as a statutory only embodiment. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2.

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### **Allowable Subject Matter**

3. Claims 28,30,36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 21-27,29,31-35,37-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanevsky et al (6529902) .

As per claim 21, Kanevsky et al (6529902) teaches a method of generating a structured text from an unstructured text (512) into text sections and assigning a topic to each text section on the basis of annotated training data (as segmenting text – fig. 1a; based on topic – fig 1b, derived from training data – fig. 1a, subblock 00), the method comprising the steps

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of:segmenting the unstructured text (512) into text sections (as performing left to right and right to left LM's – Fig. 1a, subblock 04,05),assigning a topic being indicative of the content of the text section to each text section by making use of the statistical models extracted from the training data (as topic assignments - fig. 1b, subblock 101; using a set of topic probabilities – fig. 2; and performing a testing loop – fig. 2, subblock 205), generating a structured text by inserting a label as a section heading into the text in order to assign the label to the text section (as labeling – col. 9 lines 1-17) ,providing the structured text to a user (506) and processing of modifications of the structured text in response to a user's review (as reprocessing according to the user's choosing/review – col. 10 lines 18-30).

As per claims 22,23, Kanevsky et al (6529902) teaches the topic assigned to a text section is further assigned to a set of sections headings, one of which being assigned to the text section and inserted as section heading into the text (As identification of sections – col. 9 lines 44-60).

As per claim 24,25, Kanevsky et al (6529902) teaches text modification comprises a modification of the segmentation of the text into sections and/or a modification of section headings (as changing/modification of sections/topics – col. 10 lines 35-60).

As per claim 26, Kanevsky et al (6529902) teaches modification of the boundaries of the section headings(as redefining sections/boundaries that cause a shift/position change – col. 11 line 40 – col. 12 line 15).

As per claim 27, Kanevsky et al (6529902) teaches performing modifications in the text in response to the user's review and successively triggering the steps of:re-segmenting the text into text sections by making use of the statistical models extracted from the training data and by making reference to the performed modifications,re-generating a structured text by inserting a label as a section heading into the text by making reference to the performed modifications, assigning the label to the text section and providing the structured text to the user for review (as changing/modification of label assignments – col. 10 lines 35-60; which are triggered by user's choices/selections -- col. 10 lines 18-30). Kanevsky et al (6529902) also teaches replacement text as a heading (col. 12 lines 48-56); text segmentation controlled by user (col. 10 lines 18-30); and analyzing the modifications to adapt the statistical models (col. 13 lines 7-45).

As per claim 29, Kanevsky et al (6529902) teaches fine scale modifying (col. 12 lines 35-45).

Claims 31-36 are system/interface claims that perform the method steps of claims 21-27,29; as such, claims 31-36 are similar in scope and content to claims 21-27,29 above and are therefore rejected under similar rationale as presented against claims 21-27,29 above.

Claims 37-42 are computer product claims that perform the method steps of claim 21-27,29; as such, claims 37-42 are similar in scope and content to claims 21-27,29 above and are therefore rejected under similar rationale as presented against claims 21-27,29 above.

Claims 43-46 are system/interface claims that perform the method steps of claims 21-27,29; as such, claims 43-46 are similar in scope and content to claims 21-27,29 above and are therefore rejected under similar rationale as presented against claims 21-27,29 above.

Furthermore, although claims 43-46 are in “means for” format, the claimed text section/structure text section provides enough structure to relate to the disclosed gui in the spec; these claims have been interpreted to read upon applicants disclosed gui providing text into the system, along with topic and content processing, as claimed and disclosed. Kanevesky teaches such an interface for providing/processing text(fig. 11, subblock 1122, 1136).

### **Response to Arguments**

6. Applicant's arguments filed 12/7/2010 have been fully considered but they are not persuasive. As per applicants arguments that the user is not shown text, examiner disagrees and argues that 1) Kanevesky teaches the user selecting from a possible list of topics and 2) that when Kanevesky teaches the list of topics to a user, it is done so after text processing – in other words, textual feedback is given to the user after document processing. It is inherent that the system would do so at any time during document processing, esp. when Kanevesky teaches multiple pass document processing.

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### Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael N. Opsasnick/  
Primary Examiner, Art Unit 2626  
2/13/11